

final benefit payment has been made to the last participant or beneficiary and shall then be terminated in accordance with the provisions in this section.

2. In the event that there be asset value remaining after the final benefit payment has been made to the last participant or beneficiary, such excess shall be returned to the Town less return of state' contributions to the state, provided that, if the excess is less than the total contributions made by the Town and the state to date of termination of the plan such excess shall be divided proportionately to the total contributions made by the Town and the state.

Section 10. Miscellaneous.

1. Non-Assignability. No benefit provided for herein shall be assignable or subject to garnishment for debt or for other process.
2. Pension Validity. The Board of Trustees shall have the power to examine into the facts upon which any pension shall have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently, or illegally for any reason. The Board is empowered to purge the pension rolls of any person theretofore granted a pension under prior or existing law or hereafter granted under this Ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and to reclassify any pensioner who has heretofore under any prior or existing law or who shall hereafter under this Ordinance be erroneously, improperly or illegally classified.
3. Incompetents. if any Member or Beneficiary is a minor or is, in the judgment of the

Board, otherwise incapable of personally receiving and giving a valid receipt for any payment due him under the Plan, the Board may, unless and until claims shall have been made by a duly appointed Guardian or committee of such person, make such payment or any part thereof to such person's spouse, children or other person deemed by the Board to have incurred expenses or assumed responsibility for the expenses of such person. Any payment so made shall be a complete discharge of any liability under the Plan for such payment.

4. Claims Procedure for Participants and Beneficiaries Upon Denial of Claim.
 - a. Any Member or Beneficiary whose application or claim for benefits has been denied shall receive from the Board a written notice setting forth the specific reasons for such denial, the reasons therein to be clearly and fully explained so as to afford such Member or Beneficiary a clear understanding of the decision rendered.
 - b. Any Member or Beneficiary whose application or claim for benefits has been denied shall have the right to a rehearing and a fair and full review by the Board regarding the facts, circumstances and information pertaining to the claim and the reasons for denial of such claim.
5. Number and Gender. When appropriate the singular in this Plan shall include the plural and vice versa. and the masculine shall include the feminine and vice versa.
6. *False or misleading statements made to obtain retirement benefits prohibited.*
 - (1) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made , any false , fraudulent, or misleading oral or written statement or withhold or conceal material

information to obtain any benefit under this plan.

- (2) A. A person who violates subparagraph 1. commits a misdemeanor of the first degree, punishable as provided in §§775.082 or 775.083.
- B. In addition to any applicable criminal penalty, upon conviction for a violation described in subparagraph 1., a participant or beneficiary of this Plan may, in the discretion of the Board of Trustees, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under this plan. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

Section 11. Rollover Distributions.

A. Definitions:

- (1) "Eligible rollover distribution:" An eligible rollover distribution in any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a) (9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.
- (2) "Eligible retirement plan:" An eligible retirement plan is an individual retirement